

INTERSTATE PACKAGING
COMPANY,

Plaintiff,

vs.

CENTURY INDEMNITY COMPANY,
et al.,

Defendants.

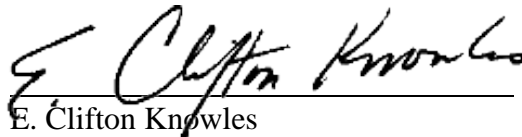
Judge Nixon has previously entered an Order granting a Motion for Summary Judgment filed by Defendants Great American Insurance Company and Great American Insurance Company of New York. Docket No. 88. Plaintiff filed a Motion to Reconsider Judge Nixon's

Order, but that Motion was subsequently denied. Docket No. 180. As the undersigned has previously observed, it “appears that Judge Nixon’s reasoning in his summary judgment Order is a basis for all remaining Defendants to be dismissed from this action.” Docket No. 159, p. 6.

The ACE Defendants thereafter filed a Motion for Summary Judgment with supporting materials, which sought a ruling consistent with Judge Nixon’s prior Order granting summary judgment in favor of Great American. Docket Nos. 126, 127, 128. A short time later, Plaintiff filed the instant Motion to Compel. Obviously, if Judge Nixon grants the ACE Defendants’ Motion for Summary Judgment, the instant Motion to Compel will be rendered moot.

For the foregoing reasons, the instant Motion to Compel (Docket No. 134) is DENIED without prejudice to being refiled if and as may be appropriate.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge